

FMCSA Administrative Capability Questionnaire for State and Local Governments

The Federal Motor Carrier Safety Administration (FMCSA) uses the standards set forth in the Code of Federal Regulations at 49 CFR Part 18, 2 CFR Part 225, and the Office of Management and Budget's (OMB) Circular A-133, "Audits of States, Local Governments and Non-profit Organizations" to assess the adequacy of administrative management systems.

The relevant regulations may be found at <http://www.dot.gov/ost/m60/grant/49cfr18.htm>, the US Government Printing Office's site at <http://www.gpoaccess.gov/cfr/index.html>, and the OMB site at http://www.whitehouse.gov/omb/circulars_default/.

If your organization is being considered for an FMCSA grant, and your organizational policies and procedures do not fully cover the areas outlined in the questionnaire, revised or new policies may be necessary to comply with Federal financial management standards.

PART I - GENERAL

1.	Legal Name of the Organization	
2.	Other Organizational Names or Acronyms Used	
2a	Please Identify any affiliated organizations	
3.	Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) Number	
4.	Is your accounting system accrual based or cash based?	
5.	Is your accounting system manual, automated or combination?	
6.	Has an audit been performed on the organization's financial statement?	
7.	What was the audit opinion?	
8.	If the organization has expended more than \$500,000 in federal grant funds within a year, has an A-133 audit been performed?	
9.	If yes, were there any major findings and please provide the electronic link to the report?	
10.	If no, please provide the reason why.	
11.	Does the organization have an approved indirect cost rate with the Federal government?	
12.	Have any key personnel listed in the application been debarred or suspended from participation in Federal Assistance programs? If yes, please note whom, when and for what reasons?	
13.	Does the organization maintain a Drug-Free Workplace, based upon the attached definition of a Drug-Free Workplace. (See attached definition)	

14.	Does the organization maintain appropriate Anti-Lobbying Policies (as defined the in the attached section below)	
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PART II - ADMINISTRATIVE CAPABILITY

Instructions: Check the appropriate box to the right for each item. If your organization has written policies/procedures that validate/meet the requirement, check the box under the Yes column. If your organization does not have written policies/procedures that validate/meet the requirement described under this column, check the box under the No column and explain in the box or in an attachment		Yes	No (explain)
STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS			
1.	Does your accounting and financial management system(s) follow Generally Accepted Accounting Principles? (2 CFR Part 225 Appendix A,)		
2.	Is your financial management system(s) sufficient to permit preparation of reports required by the applicable statutes and regulations? (49 CFR 18.20(a)(1))		
3.	Is your financial management system(s) sufficient to permit the tracing of funds to a level of expenditure adequate to establish that funds have not been expended in violation of applicable statutes? (49 CFR 18.20(a)(2))		
4.	Does your financial management system(s) provide accurate, current, and complete disclosure of the financial results of the financially assisted activities required by the financial reporting requirements of the grant? (49 CFR 18.20 (b)(1))		
5.	Does your financial management system(s) contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, expenditures, and income sufficient to identify the source and application of funds provided for financially-assisted activities? (49 CFR 18.20 (b)(2))		
6.	Does your financial management system(s) provide for effective control and accountability for all grant cash, real and personal property, and other assets? (49 CFR 18.20(b)(3))		
7.	Can your financial management system(s) compare actual expenditures or outlays with budgeted amounts for each grant? Is financial information related to performance or productivity data, including unit cost information if appropriate or specifically required? (49 CFR 18.20(b)(4))		
8.	Does your financial management system(s) provide procedures for determining the reasonableness, allocability and allowability of costs in accordance with 2 CFR Part 225, "Cost Principles for State, Local, and Indian Tribal Governments"? (49 CFR 18.20(b)(5))		
9.	Does your financial management system(s) provide accounting records which include cost accounting records supported by source documentation? (49 CFR 18.20(b)(6))		
10.	Does your financial management system(s) minimize the time elapsed between transfer of funds from the U.S. Treasury and disbursement of the funds? Are drawdowns requested as close as possible to the time of disbursement? (49 CFR 18.20(b)(7))		
11.	If applicable, does your financial management system(s) provide procedures for conducting an audit in accordance with OMB Circular A-133? Currently, A-133 audits are required for recipients expending \$500,000 or more in federal funds during the fiscal year. (49 CFR 18.26(a))		
12.	Does your financial management system(s) provide or describe existing or planned indirect cost rates? (2 CFR Part 225 Appendix A, Section F)		

Instructions: Check the appropriate box to the right for each item. If your organization has written policies/procedures that validate/meet the requirement, check the box under the Yes column. If your organization does not have written policies/procedures that validate/meet the requirement described under this column, check the box under the No column and explain in the box or in an attachment. For new FMCSA grantees (entities that have not been funded by FMCSA within the past 5 years) please provide FMCSA with a copy (electronic is preferable) of the following items: 1) Most recent audit of financial statements and management letter, 2) procurement and property policies, 3) personnel policies and 4) travel policy. FMCSA will evaluate your responses against these items.		Yes	No (explain)
PROPERTY AND PROCUREMENT STANDARDS			
1.	Does your property management system(s) provide for maintaining: (1) a description of the equipment; (2) an identification number; (3) source of the property; (4) where title vests; (5) acquisition date; (6) property cost; (7) percentage of Federal participation in the cost of the property; (8) location, use, and condition of the property; and (9) ultimate disposition information, including date and sale price? (49 CFR 18.32(d)(1))		
2.	Does your property management system(s) provide for a physical inventory and reconciliation of property at least every two years? (49 CFR 18.32(d)(2))		
3.	Does your property management system(s) provide controls to insure safeguards against loss, damage or theft of the property? (49 CFR 18.32(d)(3))		
4.	Does your property management system(s) provide for adequate maintenance of the property? (49 CFR 18.32(d)(4))		
5.	Does your organization maintain written procurement procedures which (1) avoid unnecessary purchases; (2) provide an analysis of lease and purchase alternatives; and (3) provide a process for soliciting goods and services? If authorized or required to sell property, does your sales procedure ensure the highest possible return? (49 CFR 18.32(d)(5))		
6.	Does your organization maintain written procurement procedures which (1) avoid unnecessary purchases; (2) provide an analysis of lease and purchase alternatives; and (3) provide a process for soliciting goods and services? (49 CFR 18.36(b)(4))		
PERSONNEL AND TRAVEL			
1.	Does your organization maintain written standards of conduct governing the performance of your employees engaged in the award and administration of contracts (i.e., conflict of interest)? (49 CFR 18.36(b)(3))		
2.	Does your organization maintain a personnel system(s) which provides monthly reports on the activities of each employee whose compensation is charged to the assistance agreement? (2 CFR Part 225 Appendix B, 8(h)(5))		
3.	Are fringe benefits reasonably and consistently applied to all grantees and included in the indirect costs or direct costs? Please designate where fringe benefits are applied, recognizing that they may not be applied across both cost categories.		
4.	Does the organization's timekeeping system meet the requirements of the applicable cost principles? (2 CFR Part 225, Attachment B(8))		
3.	Does your organization maintain a standard travel policy, or in lieu of such a policy, follow the rates established under 5 U.S.C. 5701 <i>et seq.</i> ? (2 CFR Part 225 Appendix B, (43))		
SUB-AWARD SYSTEM			
1.	Do your sub-award system meet federal requirements? (OMB Circular A-133, Subpart D§__400 (d); 49 CFR Part 18)		
2.	Does your organization maintain written procedures outlining sub-recipient responsibilities and include: 1) any clauses required by federal statute and EO's and their implementing regulations, and; 2) include a provision for compliance with 49 CFR Part 18.42 in the sub-recipient agreement?		

3.	Does your organization train sub-recipients? If so, please provide verification, such as the agenda, table of contents, or documents that provide a sense of the general nature of the training.		
4.	Does your organization regularly monitor sub-recipients? If so, how often?		

PART III - CERTIFICATION AND SUBMISSION

CERTIFICATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE (REQUIRED):

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Name _____

Title _____

Signature _____

Date _____

SUBMISSION INSTRUCTIONS:

Complete and sign questionnaire, then scan and email to the Program Manager or deliver to the Division Office (in hard copy) if unable to deliver to the Program Manager via email.

PART IV – POLICY DEFINITIONS

Drug Free Workplace – The Organization/Agency will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.